

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 07 CR 851
)	Judge Robert W. Gettleman
FRANCISCO MENDEZ-NUNEZ, <i>et al.</i> ,)	
(FRANCISCO SOTO))	
)	
Defendant.)	

**DEFENDANT SOTO'S MOTION FOR
PRESERVATION OF ROUGH NOTES AND LOGS**

Defendant, **FRANCISCO SOTO**, by and through his attorney, **PATRICK W. BLEGEN**, respectfully moves this Court for an order directing the government to obtain and preserve for production all rough notes prepared by law enforcement authorities and all investigative agencies and any civilian agents and informants, during the course of the investigation of this case; notes of witness interviews conducted by prosecutors and/or investigating agents; and, notes and logs relating to execution of search warrants and other investigative activities.

In support of this motion, Defendant, through counsel, states as follows:

1. Notes prepared by an agent or prosecutor are potentially subject to discovery as embodying a defendant's statement, *see* Fed. R. Crim. P. 16, or as constituting the statement of a government witness (including, among others, the person who prepared the notes, if he or she testifies), *see*, 18 U.S.C. § 3500.

2. Because notes are potentially discoverable, they must be preserved by the government. *See, United States v. Coe*, 220 F.3d 573 (7th Cir. 2000); *United States v. Thomas*,

2007 WL 2076029 (N.D.Ill.) (Manning, J.).

3. It appears, from counsel's review of the evidence, that the government's case against Defendant will rely to some extent on the testimony of individuals who quite likely have made statements to government agents or officers. As such, it is respectfully submitted that the notes of these agents or officers taken contemporaneously with the interviews may well be discoverable as prior statements of the witnesses and should, therefore, be preserved.

4. In the event that any of the materials requested in this motion have been destroyed, Defendant requests that this Court conduct a hearing and grant appropriate relief.

WHEREFORE, Defendant respectfully requests that this Court grant his motion for preservation of rough notes and logs.

Respectfully submitted,

s/Patrick W. Blegen
PATRICK W. BLEGEN, Attorney for
Defendant, Francisco Soto.

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Defendant Soto's Motion for Preservation of Rough Notes and Logs was served on April 14, 2008, in accordance with Fed.R.Crim.P.49, Fed.R.Civ.P.5, LR 5.5, and the General Order on Electronic Case Filing (ECF) pursuant to the district court's system as to ECF filers.

s/ Patrick W. Blegen

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